

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

STATE OF MISSOURI,)	No. ED102671
)	
Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable John J. Riley
JACOB RAGLAND,)	
)	
Appellant.)	FILED: July 26, 2016

Appellant Jacob Ragland (“Ragland”) appeals from the judgment of the trial court entered upon a jury verdict convicting Ragland of six counts of first-degree statutory sodomy, three counts of first-degree child molestation, and two counts of use of a child in a sexual performance for acts committed against J.J. and J.F., both minor children. Ragland was acquitted of five other counts pertaining to a third minor child, S.J. On appeal, Ragland contends that the trial court (1) erred in admitting evidence of J.F.’s out-of-court statements under Section 491.075; (2) erred in admitting evidence of J.J.’s out-of-court statements under Section 491.075; (3) abused its discretion in sending State’s Exhibits 7, 9, and 11—videos of J.F., J.J., and S.J.’s Children’s Advocacy Center (“CAC”) interviews—to the jury during deliberations without supervision or limiting instructions; (4) clearly erred in overruling Ragland’s motion for judgment of acquittal with respect to the two counts of use of a child in a sexual performance because the State failed to provide sufficient evidence that Ragland “watched” the performance; and (5) abused its discretion in refusing to allow the jury to take notes during the trial.

AFFIRMED.

DIVISION FOUR HOLDS: Because the time, content, and circumstances of J.F.’s and J.J.’s out-of-court statements provided sufficient indicia of reliability, the trial court did not abuse its discretion in admitting these statements at trial under Section 491.075. Because the CAC interview videos to which Ragland objects were not testimonial in nature, the trial court did not plainly err in allowing the jury access to the videos during deliberation. Because the State presented sufficient evidence supporting Ragland’s conviction on two counts of use of a child in a sexual performance, the trial court did not clearly err in overruling Ragland’s motion for judgment of acquittal at the close of all of the evidence. Finally, trial court did not abuse its discretion by prohibiting note-taking by jurors when the request was made after the first prosecution witness had already testified.

Opinion by: Kurt S. Odenwald, Judge Sherri B. Sullivan, P.J., and Lisa P. Page, J., concur.

Attorney for Appellant: Timothy Forneris
Attorney for Respondent: Chris Koster and Gregory L. Barnes

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.
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